

HOUSE BILL No. 1595

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-2-6.2.

Synopsis: Medicaid eligibility for individuals who are disabled. Specifies the qualifications for an individual with a disability to be eligible for Medicaid. Requires the office of Medicaid policy and planning to apply to the United States Department of Health and Human Services for an amendment to the state Medicaid plan for the coverage.

Effective: Upon passage; July 1, 2009.

Bischoff

January 16, 2009, read first time and referred to Committee on Public Health.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1595

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-15-2-6.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 6.2. (a) As used in this section, "disabled" refers to an**
4 **individual who has one (1) of the following:**

- 5 (1) **A physical or mental impairment, disease, or loss that:**
6 **(A) is verifiable by a physician licensed under IC 25-22.5,**
7 **that appears reasonably certain to result in death or to last**
8 **for a continuous period of at least twelve (12) months**
9 **without significant improvement; and**
10 **(B) substantially impairs the individual's ability to perform**
11 **labor or services or to engage in a useful occupation.**

- 12 (2) **A mental impairment, disease, or loss that is:**
13 **(A) diagnosed by a physician licensed under IC 25-22.5 or**
14 **a health services provider in psychology licensed under**
15 **IC 25-33-1; and**
16 **(B) verifiable by a physician licensed under IC 25-22.5 or**
17 **a psychologist licensed under IC 25-33;**



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that appears reasonably certain to last for a continuous period of at least twelve (12) months without significant improvement, and that substantially impairs the individual's ability to perform labor or services or to engage in a useful occupation.

Employment in a sheltered workshop or under an approved vocational rehabilitation plan is not considered a useful occupation under this section. The determination of medical disability under this section shall be made without reference to the individual's ability to pay for treatment.

(b) An individual:

(1) who is disabled;

(2) whose family income does not exceed two hundred percent (200%) of the federal income poverty level; and

(3) who meets the resource requirements established by statute or the office;

is eligible to receive Medicaid.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) The office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to cover individuals with a disability as set forth in IC 12-15-2-6.2, as added by this act.

(c) The office may not implement the state plan amendment until the office files an affidavit with the governor attesting that the state amendment applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the state plan amendment is approved.

(d) If the office receives a state plan amendment under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the state plan amendment not more than sixty (60) days after the governor receives the affidavit.

(e) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(f) This SECTION expires December 31, 2013.

SECTION 3. An emergency is declared for this act.

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